



Abraham
Fruchter &
Twersky LLP

One Penn Plaza
Suite 2805
New York, NY 10119

Tel: 212.279.5050
Fax: 212.279.3655
www.aftlaw.com

NOV 29 2010

U.S. DISTRICT COURT
S.D.N.Y.

November 24, 2010

By Fax

Hon. Harold Baer, Jr.
United States District Court
Southern District of New York
500 Pearl Street, Chambers 2230
New York, NY 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/6/10

Re: *Goldstein v. QVT Associates GP LLC, et al.*, Case No. 10-cv-02488-HB

Dear Judge Baer:

We are counsel for the plaintiff in the above-referenced matter and write on behalf of the parties regarding the filing today of the parties' stipulation and proposed order providing for a referral of this action to U.S. Magistrate Judge Andrew J. Peck for the limited purposes of discovery, mediation and matters relating to approval and administration of any settlement that may be reached in mediation or otherwise (the "Stipulation and Order"). A courtesy copy of the Stipulation and Order is enclosed for the Court's consideration.

The parties are presently engaged in preliminary settlement discussions. The parties and Magistrate Peck are available for mediation on December 8, 2010 and will attend the mediation on that date if this action is referred. In addition, the parties are simultaneously actively engaging in discovery and have outstanding discovery disputes that may necessitate judicial intervention.

In addition, the Stipulation and Order addresses a pressing scheduling matter concerning dispositive motion due dates. Pursuant to paragraph 4 of the Pretrial Scheduling Order entered May 10, 2010 (Dckt. No. 22) (the "Scheduling Order"), the discovery period began on October 16, 2010, the day after defendants' motion to dismiss was denied, and ends on February 16, 2011. The Scheduling Order further provides that dispositive motions shall be returnable and fully briefed by January 15, 2011, making the parties' opening briefs due on December 28, 2010, i.e., over one month prior to the expiration of the discovery period, which effectively precludes the parties from submitting evidence obtained during the last six weeks of discovery in connection with their respective dispositive motion papers.

The due dates for dispositive motions were originally scheduled by the Court based upon the contemplated issuance of a decision on defendants' motion to dismiss in July 2010. However, the decision was actually entered on October 15, 2010, inadvertently resulting in a much shorter period for the briefing and submission of dispositive motions than originally contemplated by the Court. To bring the current schedule into line with the Court's contemplated schedule, and to allow for further

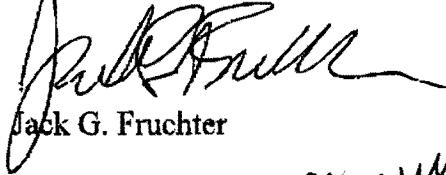
Hon. Harold Baer, Jr.
November 24, 2010
Page 2 of 2

settlement discussions and the completion of discovery prior to the briefing and filing of dispositive motions, the Stipulation and Order provides for a 60-day extension of the return date for dispositive motions. This extension does not modify or otherwise affect the trial schedule set forth in the Scheduling Order.

The parties believe that the referral to Magistrate Judge Peck of matters related to discovery, mediation, and settlement will both conserve the Court's resources and help streamline the case.

Accordingly, the parties respectfully request that the Court "So Order" the enclosed Stipulation and Order.

Respectfully submitted,


Jack G. Fruchter

Enc.

Cc: All counsel of record (By fax w/enc.)

12/6/10 May PTSO — at your
request sets the trial Court jury date
for the first week in April — to proceed
one w/ 60 day's notice after receipt of fully
briefed motions. This must be whether
in chambers by Feb 1, 2011 — whether
this deems decision on not — shall
my direction + PTSO — & it proceeds
take the full 60 days — and perhaps the m/s/s
try not to do — and perhaps the m/s/s
will be panelled — I in any event
Fully ~~for Feb 1, 2011~~ — I hope you will be
WS ~~SO ORDERED~~
David Baer Jr. ~~SO ORDERED~~
JSD

Endorsement:

My pre trial scheduling order at your behest sets the trial (non jury) for the first week in April. To provide me with 60 days after receipt of fully briefed motions they must be in Chambers by February 1, 2011 - whether that disturbs discovery or not, that's my direction and it provides little or no time for a joint pre trial order assuming I take the full 60 days - which I will try not to do and perhaps the motion for summary judgment will be granted. In any event fully briefed motions in Chambers by February 1, 2011.